IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP NO.20368 of 2006

DATE OF DECISION:21.12.2006

Ms.Sushma Handoo and another ....Petitioners

Versus

State of Punjab and others ....Respondents.

CORAM: HON'BLE MR.JUSTICE J.S. KHEHAR
HON'BLE MR. JUSTICE S.D. ANAND

PRESENT: Mr. Naresh Prabhakar, Advocate
for the petitioners.

J.S. Khehar, J. (oral)

Through the instant writ petition, the petitioners, who are whole time Members of the District Consumer Disputes Redressal Forum, Kapurthala, claim honorarium for the days that they did not attend to their duties. In fact, during the aforesaid days, when the petitioners did not attend to their duties, they had moved applications seeking casual leave. This claim raised by the petitioners was adjudicated upon by the Principal Secretary, Food and Supplies, Punjab, consequent upon a direction issued by this Court in CWP No.17901 of 2005.

A perusal of the order passed on 27.1.2006 passed by the Principal Secretary, Food and Supplies, Punjab, reveals, that there is no provision for granting casual leave to whole time Members appointed to a District Consumer Disputes Redressal Forum, and as such, arrived at the conclusion that the petitioners were not entitled to honorarium for the

days that they did not discharge their duties. We find no infirmity in the order dated 27.1.2006 passed by the Principal Secretary, Food and Supplies, Punjab.

Leave of any kind can only be availed of when the same is allowed under statutory rules or by administrative/executive instructions. Members appointed to the District Consumer Disputes Redressal Forum are entitled to honorarium only for the days when they discharge their duties as such. The learned counsel for the petitioners has not been able to invite our attention to any statutory rule, legal or other right, on the basis of which the petitioners could claim honorarium even for the days when the petitioners were absent. It also needs to be noticed that a notification dated 17.7.2006 has been issued as a matter of amendment to the Consumer Protection (Punjab) Rules, 1987. Under the aforestated notification dated 17.7.2006, whole time Members of the State Commission are entitled to 12 days casual leave in a calendar year. It is, therefore, apparent, that after the issuance of the aforesaid notification dated 17.7.2006, the petitioners and other similarly situated as the petitioners would be entitled to honorarium for a maximum period of 12 days in a calendar year.

Dismissed.

(J.S. Khehar)
Judge

(S.D. Anand)
Judge

December 21, 2006.
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